

AMENDED IN SENATE AUGUST 16, 1999

AMENDED IN SENATE JULY 7, 1999

AMENDED IN ASSEMBLY APRIL 27, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1425

Introduced by Assembly Member Runner

February 26, 1999

An act to amend Section 182.6 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1425, as amended, Runner. Transportation: funding.

Existing law requires that all federal and state funds to be allocated by the California Transportation Commission be programmed in accordance with certain formulas. Existing law exempts specified federal funds from those allocation formulas.

Existing federal law provides for a guaranteed minimum apportionment of certain federal funds for highways and transportation, requires that those funds be distributed in accordance with certain formulas, and provides for apportionment of the funds remaining after the distributions have been made according to formula.

This bill would exempt from the state's allocation formulas the federal funds apportioned to the state as the remainder specified above, except for specified funds that have been programmed under the 1998 State Transportation

Improvement Program and the 1998 State Transportation Improvement Program Augmentation.

The bill would also require that not less than a specified minimum percentage of funds subject to these provisions be expended in accordance with specified provisions of federal law.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 182.6 of the Streets and
2 Highways Code is amended to read:
3 182.6. (a) Notwithstanding Sections 182 and 182.5,
4 Sections 188, 188.8, and 825 do not apply to the
5 expenditure of federal funds apportioned to the state
6 pursuant to that portion of subsection (b)(3) of Section
7 104, subsection (c)(2) of Section 105, subsections (a) and
8 (c) of Section 157, and subsection (d) of Section 160 of
9 Title 23 of the United States Code which is allocated
10 within the state subject to subsection (d)(3) of Section
11 133 of that code. These funds shall be known as the
12 regional surface transportation program funds and ~~shall~~
13 ~~be shared between cities and counties~~ *may be shared*
14 *among cities, counties, ports, airports, transit districts,*
15 *local transportation commissions, congestion*
16 *management agencies, park districts, or any other*
17 *government agency that is eligible under existing law to*
18 *receive those funds.* The department, the transportation
19 planning agencies, the county transportation
20 commissions, and the metropolitan planning
21 organizations may do all things necessary in their
22 jurisdictions to secure and expend those federal funds in
23 accordance with the intent of federal law and this
24 chapter. This subdivision does not apply to funds
25 apportioned under subsection (c)(2) of Section 105 of
26 Title 23 of the United States Code that have been
27 programmed under the 1998 State Transportation
28 Improvement Program and the 1998 State
29 Transportation Improvement Program Augmentation.

1 (b) The regional surface transportation program
2 funds shall be apportioned by the department to the
3 metropolitan planning organizations designated
4 pursuant to Section 134 of Title 23 of the United States
5 Code and, in areas where none has been designated, to
6 the transportation planning agency designated pursuant
7 to Section 29532 of the Government Code. The funds shall
8 be apportioned in the manner and in accordance with the
9 formula set forth in subsection (d)(3) of Section 133 of
10 Title 23 of the United States Code, except that the
11 apportionment shall be among all areas of the state.

12 (c) Where county transportation commissions have
13 been created by Division 12 (commencing with Section
14 130000) of the Public Utilities Code, all regional surface
15 transportation program funds shall be further
16 apportioned by the metropolitan planning organization
17 to the county transportation commission on the basis of
18 relative population.

19 In the Monterey Bay region, all regional surface
20 transportation program funds shall be further
21 apportioned, on the basis of relative population, by the
22 metropolitan planning organization to the regional
23 transportation planning agencies designated under
24 subdivision (b) of Section 29532 of the Government Code.

25 (d) The applicable metropolitan planning
26 organization, county transportation commission, or
27 transportation planning agency shall annually apportion
28 the regional surface transportation program funds for
29 projects in each county, as follows:

30 (1) An amount equal to the amount apportioned
31 under the federal-aid urban program in federal fiscal year
32 1990–91 adjusted for population. The adjustment for
33 population shall be based on the population determined
34 in the 1990 federal census except that no county shall be
35 apportioned less than 110 percent of the apportionment
36 received in the 1990–91 fiscal year. These funds shall be
37 apportioned for projects implemented by cities, counties,
38 and other transportation agencies on a fair and equitable
39 basis based upon an annually updated five-year average
40 of allocations. Projects shall be nominated by cities,

1 counties, transit operators, and other public
2 transportation agencies through a process that directly
3 involves local government representatives.

4 (2) An amount not less than 110 percent of the amount
5 that the county was apportioned under the federal-aid
6 secondary program in federal fiscal year 1990–91, for use
7 by that county.

8 (e) The department shall notify each metropolitan
9 planning organization, county transportation
10 commission, and transportation planning agency
11 receiving an apportionment under this section, as soon as
12 possible each year, of the amount of obligation authority
13 estimated to be available for program purposes. The
14 metropolitan planning organization and transportation
15 planning agency, in cooperation with the department,
16 congestion management agencies, cities, counties, and
17 affected transit operators, shall select and program
18 projects in conformance with federal law. The
19 metropolitan planning organization and transportation
20 planning agency shall submit its transportation
21 improvement program prepared pursuant to Section 134
22 of Title 23 of the United States Code to the department
23 for incorporation into the state transportation
24 improvement program not later than August 1 of each
25 even-numbered year beginning in 1994.

26 (f) Not later than July 1 of each year, the metropolitan
27 planning organizations, and the transportation planning
28 agencies, receiving obligational authority under this
29 article shall notify the department if they will not use all
30 of the available obligational authority, and the amount of
31 obligational authority that will not be used. Unused
32 obligational authority shall be made available for use by
33 the department. If the department does not have
34 sufficient federal apportionments to fully use excess
35 obligational authority, the metropolitan planning
36 organizations or transportation planning agencies
37 relinquishing obligational authority shall make sufficient
38 apportionments available to the department to fund
39 alternate projects, when practical, within the
40 geographical areas relinquishing the obligational

1 authority. Notwithstanding this subdivision, the
2 department shall comply with subsections (d)(3) and (f)
3 of Section 133 of Title 23 of the United States Code.

4 (g) A regional transportation planning agency that is
5 not designated as, nor represented by, a metropolitan
6 planning organization with an urbanized area population
7 greater than 200,000 pursuant to the 1990 federal census
8 may exchange its annual apportionment received
9 pursuant to this section on a dollar-for-dollar basis for
10 nonfederal State Highway Account funds, which shall be
11 apportioned in accordance with subdivision (d).

12 (h) (1) If a regional transportation planning agency
13 described in subdivision (g) does not elect to exchange its
14 annual apportionment, a county located within the
15 boundaries of that regional transportation planning
16 agency may elect to exchange its annual apportionment
17 received pursuant to paragraph (2) of subdivision (d) for
18 nonfederal State Highway Account funds.

19 (2) A county not included in a regional transportation
20 planning agency described in subdivision (g), whose
21 apportionment pursuant to paragraph (2) of subdivision
22 (d) was less than 1 percent of the total amount
23 apportioned to all counties in the state may exchange its
24 apportionment for nonfederal State Highway Account
25 funds. If the apportionment to the county was more than
26 $3\frac{1}{2}$ percent of the total apportioned to all counties in the
27 state, it may exchange that portion of its apportionment
28 in excess of $3\frac{1}{2}$ percent for nonfederal State Highway
29 Account funds. Exchange funds received by a county
30 pursuant to this section may be used for any
31 transportation purpose.

32 (i) Notwithstanding any other provision of this
33 section, not less than 20 percent of the funds apportioned
34 *under subsection (c)(2) of Section 105 of Title 23 of the*
35 *United States Code* and allocated pursuant to this section
36 to counties of a population greater than 400,000 shall be
37 expended in accordance with the requirements of
38 Section 101(a)(35) of Title 23 of the United States Code.

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